

1 LYNN HUBBARD, III, SBN 69773
2 SCOTTLYNN J HUBBARD IV, SBN 212970
3 **DISABLED ADVOCACY GROUP, APLC**
4 12 Williamsburg Lane
Chico, CA 95926
Telephone: (530) 895-3252
Fax: (530) 894-8244

5 Attorneys for Plaintiff

6 ERNEST SLOME, SBN 122419
7 LEWIS BRISBOIS BISGAARD & SMITH, LLP
8 550 West "C" Street, Suite 800
San Diego, CA 92101
Telephone: (619) 233-1006
Fax: (619) 233-8627

10 Attorney for Defendant S & C Ramirez Enterprises Inc.

11 RICK BERGSTROM, SBN 169594
12 MORRISON & FOERSTER, LLP
13 12531 High Bluff Drive, Suite 100
San Diego, CA 92130
Telephone: (858) 720-5100
Fax: (858) 720 5125

15 Attorney for Defendant McDonald's Corp.

17 UNITED STATES DISTRICT COURT
18 SOUTHERN DISTRICT OF CALIFORNIA

20 BARBARA HUBBARD, Case No. 08 cv 0336 JAH (POR)
21 Plaintiff,
22 v.
23 S&C RAMIREZ ENTERPRISES, AMENDMENT TO JOINT
INC.dba McONALD'S; MOTION FOR DISMISSAL
24 McDONALD'S CORP.,
25 Defendants.

26 /

27

28

1 IT IS HEREBY JOINTLY REQUESTED, pursuant to settlement and release
 2 agreements between Plaintiff, BARBARA J HUBBARD, and Defendant, BOTO
 3 ENTERPRISES INC., erroneously sued as S & C RAMIREZ ENTERPRISES, INC.
 4 dba McDONALD'S, and McDONALD'S CORP. that this Court enter a dismissal
 5 with prejudice of Plaintiff's complaint in the above-entitled action pursuant to Fed.
 6 R. Civ. P. 41 **as to Defendant BOTO ENTERPRISES INC.,erroneously sued as**
 7 **S & C RAMIREZ ENTERPRISES, INC.dba McDONALD'S and McDONALD'S**
 8 **CORP.**

9 Nothing in this Joint Motion shall be construed to affect Plaintiffs' complaint
 10 and claims in the above referenced case against Defendant other than **Defendant**
 11 **BOTO ENTERPRISES INC., erroneously sued as S & C RAMIREZ**
 12 **ENTERPRISES, INC. dba McDONALD'S and McDONALD'S CORP.**

13
 14 Dated: June 17, 2008 DISABLED ADVOCACY GROUP, APLC

15
 16 */s/ Lynn Hubbard III*
 17 LYNN HUBBARD, III
 18 Attorney for Plaintiff
 Barbara Hubbard

19
 20 Dated: June 17, 2008 LEWIS BRISBOIS BISGAARD & SMITH, LLP

21 */s/ Ernest Slome*
 22 ERNEST SLOME
 23 Attorney for Defendant
 S & C Ramirez Enterprises, Inc.

24
 25 Dated: June 17, 2008 MORRISON & FOERSTER LLP.

26 */s/ Rick Bergstrom*
 27 RICK BREGSTROM
 28 Attorney for Defendant
 McDonald's Corp.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF BUTTE

I, Jacqueline Martin, am employed in the aforesaid County; I am over the age of 18 years and not a party to the within action; my business address is 12 Williamsburg Lane, Chico, Butte County, California 95926.

On June 17, 2008, I caused the document(s) described as: **JOINT MOTION FOR DISMISSAL** to be served on the interested parties in this action as follows:

On all parties identified for Notice of Electronic Filing generated by the Court's CM/ECF system under the above referenced case caption and number on this date, in the following manner:

The following is a procedure in which service of this document was effected:

- (xx) ELECTRONIC SERVICE - by causing the document to be served via the Court's ECF Filing System.

() OVERNIGHT DELIVERY - by causing said envelope(s) to be delivered overnight via an overnight delivery service in lieu of delivery by mail to the addressee(s).

() FAX - by transmitting pursuant to Rules 2001 et seq., the above-described document(s) by facsimile machine (which complied with Rule 2003(3)). The transmission originated from facsimile phone number (530) 894-8244, and was reported complete without error. The facsimile machine properly issued a transmission report.

() PERSONAL SERVICE - by causing to be delivered such document by hand to the offices of the addressee(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: June 17, 2008

/s/ Jacqueline Martin

Jacqueline Martin